

Troy S. Bundy

PARTNER

Troy Bundy is a specialist in Health Law litigation and litigation prevention. He has been regularly endorsed as one of the Top Lawyers nationwide by the most respected peer review organizations in the industry including: AVVO, The Best Lawyers in America, Who's Who in American Law, American Institute of Personal Injury Attorneys, and Super Lawyers. We are also proud to announce, Troy was recently inducted to serve as a Fellow in the invitation-only American Board of Trial Advocates (ABOTA) during his 30th year of practice.

His practice emphasis includes:

Malpractice Defense

Complex Business Litigation for Health Care Providers and Entities

Health Care Credentialing, Licensing and Fair Hearings Defense

Regulatory Compliance (OIG, DEA, CMS investigations for medicare/medicaid Fraud, HIPAA investigations/reporting)

General Health Law Business Consulting (Anti-Kickback, Stark Law, Health care contracting and corporate structure)

Medical Malpractice

Troy has been defending professionals, including dentists, hospitals, doctors, nurses and other health professionals, since he joined the firm in 1996. From complex obstetric and neonatal matters to more routine primary care issues, Troy has litigated and tried a wide variety of professional liability cases involving nearly every conceivable medical specialty throughout the course of his career, including the landmark birth injury case, Klutschkowski v. OMG. Dental cases have included lingual



Contact

503-222-4499 x 1182

tsb@hartwagner.com

503-703-2052 (Mobile)

LEGAL ASSISTANT

Amy Robertson

503-222-4499 x 1205

akr@hartwagner.com

Practice Areas

Business and Commercial Litigation

Dental Malpractice Defense

Health Law

Healthcare Data Security, Privacy, and HIPAA Compliance

Licensing, Board Matters, and Regulatory Agencies Representation

Medical Malpractice Defense

Personal Injury and Wrongful Death Defense

Premises Liability Defense

Product Liability Defense

Professional Liability Defense

nerve injuries, TMJ claims, and endodontic complications. Whether before a professional licensing board or in the courtroom, Troy is comfortable with all aspects of claim management. He is no stranger in both Oregon and Washington federal courts, and is licensed in all federal district courts in those states.

Licensing Board Defense

A major component of Troy's case load involves defending professionals before licensing Boards in both Oregon and Washington. This includes analyzing board complaints and preparing clients for the process while developing a defense plan. His practice emphasizes handling complaints before the Washington DOH/Washington Medical Commission; Oregon Medical Board; Oregon Board of Nursing, Oregon Board of Psychology; Oregon Board of Licensed Professional Counselors and Therapists, Oregon Board of Naturopathic Medicine, Oregon Board of Licensed Massage Therapists, and the Oregon Board of Licensed Social Workers. Troy handles cases from beginning to end, including attending and defending his clients throughout both the Investigation and Administrative Hearings processes. His work also includes abuse investigations and hearings conducted through the Office of Training Investigations and Safety Overview (OTIS), in Oregon, and the DSHS/APS in Washington.

Complex Business Litigation for Health Care Providers and Entities

Troy is often brought in to defend cases involving complex business litigation in state and federal court. This can be associated with case complexity or other more practical aspects of lawsuits that elevate the level of contentiousness, be it through handling the parties or opposing counsel. Whether it's a matter involving intellectual or real property, complex torts or cases involving catastrophic injury, partnership disputes, or CMS actions, Troy applies a practical approach to problem-solving cases, enabling them to reach a faster and more favorable resolution for his clients.

Credentialing and Regulatory Compliance

A significant part of Troy's practice at Hart Wagner includes serving his clients' various health law needs. This includes credentialing complaints, cyber-liability issues, HIPAA and DEA investigations, health related business formation and contract resolution, licensing board matters, billing disputes and privileging issues. Given his experience in all aspects of health care litigation, Troy's clients benefit from his experience and understanding concerning "what can go wrong" from a practical perspective. Having dealt with business and contract disputes first-hand, he is in a unique position to protect his clients' future interests.

Financial Fraud Defense

Troy has extensive experience defending professionals in audits and against claims for inappropriate billing and coding practices. He regularly investigates and defends medicare and insurance fraud cases involving the federal guidelines.

Accomplishments

Troy speaks frequently at professional liability seminars hosted by the Oregon Medical Association, Oregon Health Sciences University, and other professional organizations. He is recognized for his excellence in the area of medical malpractice law in *Oregon Super Lawyers*, an honor limited to no more than five percent of the attorneys in the state. Since 2011, Troy has been listed in *The Best Lawyers in America*, the oldest and most respected peer review publication in the legal profession.

For many years, Troy has served on the Multnomah County Arbitration Panel and has presided over a wide variety of matters including personal injury claims, debtor/creditor issues, and contract disputes. He is a featured author in the Thomson Reuters text: "Inside the Minds of America's Leading Lawyers: Defending Medical Malpractice Claims," published in 2012. His next work, "Surviving Litigation: What You Need to Know," was published in 2014. Troy's most recent book "First Chair: An Associates Guide to Trial Work," is in the process of being published.

In his spare time, Troy volunteers as general counsel for One Taekwondo Foundation Charitable Trust, a local charity that sponsors children of all backgrounds and encourages national and international martial arts competition, including games at the junior Olympic level. He is also a registered coach with USA Taekwondo, the governing body for martial arts recognized by the U.S. Olympic Committee.

TRIAL EXPERIENCE

Doe v YMCA: Marion County Circuit Court, State of Oregon: Defense verdict in \$3 million claim alleging negligence in preventing sexual assault.

Reiker v. Kaiser: Multnomah County Circuit Court, State of Oregon. Defense verdict in \$5+ million claim alleging a birth injury claim in failing to diagnose and properly manage shoulder dystocia during birth.

Ellis v The Corvallis Clinic: Benton County Circuit Court, State of Oregon. Defense verdict in \$3 million wrongful death case alleging failure to diagnose and treat lung cancer.

Williams v. Friedman, MD: Multnomah County Circuit Court, State of Oregon: Defense verdict in \$2.5 million dollar claim alleging negligent surgical care during plaintiff's emergency appendectomy.

Tran v. Portland Surgical Onc., PC: Multnomah County Circuit Court, State of Oregon: Defense verdict in \$1 million dollar claim alleging negligent surgical care during plaintiff's emergency cholecystectomy.

Sallee v. NWP: Multnomah County Circuit Court, State of Oregon: Defense verdict in \$1.5 million dollar lawsuit alleging negligent sciatic nerve injury during the performance of a total hip replacement.

Ramseyer v. Silverton Hospital et al.: Marion County Circuit Court, State of Oregon: Case abandoned and dismissed with prejudice by plaintiff mid-trial in \$40 million dollar birth injury claim alleging failure to perform a timely cesarean section and perform appropriate neonatal resuscitation resulting in cerebral palsy.

Cloninger v Radiology Specialists of the NW: Multnomah County Circuit Court, State of Oregon: Defense verdict in \$12 million dollar claim alleging failure to diagnose an expanding spinal hematoma, leading to paralysis.

Boles v. Jett: Jackson County Circuit Court, State of Oregon. Defense verdict in \$20 million dollar neonatal birth injury claim alleging failure to treat staph aureus infection in premature infant.

Mann v. Popp: Multnomah County Circuit Court, State of Oregon.
Defense verdict in \$1.7 million dollar defamation claim against the Romanian Pentecostal Church.

Steuve v. Foley, MD: Benton County Circuit Court, State of Oregon. Defense verdict in \$2 million dollar claim alleging inappropriate medication prescription and informed consent.

Rieker v. Kaiser Foundation Health Plan: Multnomah County Circuit Court, State of Oregon. Defense verdict in multimillion dollar fetal injury case alleging improperly handled obstetric management of shoulder dystocia.

Colton v. Shay, MD: Yamhill County Circuit Court, State of Oregon. Defense verdict in \$1.5 million dollar claim alleging failure to appropriately diagnose and treat a developing osteomyelitis.

Miller v. Fedorov, MD: Lane County Circuit Court, State of Oregon. Defense verdict in \$10 million dollar lawsuit alleging failure to diagnose and treat developing gangrene and sepsis resulting in a below-knee amputation.

Fino-Morales v. Baer, MD: Multnomah County Circuit Court, State of Oregon. Defense verdict in 4+ million dollar lawsuit alleging negligent obstetric management of shoulder dystocia, resulting in neonatal brachial plexus injury.

Sturman v. Tomlinson, MD: Clackamas County Circuit Court, State of Oregon. Defense verdict in \$9 million dollar lawsuit alleging negligent interpretation of prenatal fetal ultrasound resulting in the live birth of a brain damaged neonate.

Van Dijken v. Baugh, MD: Multnomah County Circuit Court, State of Oregon. Defense verdict in \$2+ million dollar lawsuit alleging failure to diagnose and treat developing post operative peritonitis.

Miller v. Athey, MD: Benton County Circuit Court, State of Oregon. Defense verdict in multimillion dollar wrongful death lawsuit alleging a failure to diagnose and treat an impending heart attack.

Albi v. Kaiser Foundation Health Plan: Multnomah County Circuit Court, State of Oregon. Directed verdict in multimillion dollar lawsuit alleging inappropriate management and use of prescription drug, Lupron Depot resulting in profound neurologic damage.

Greer v. PeaceHealth: Lane County Circuit Court, State of Oregon. Defense verdict in \$1+ million dollar claim alleging a failure to diagnose and treat infective endocarditis leading to heart valve replacement.

Pohler v. Family Practitioner Health Clinic: Clackamas County Circuit Court, State of Oregon. Directed verdict in case alleging failure to diagnose and appropriately treat ankle fracture, resulting in permanent injury and disability.

Johnson-Eddy v. Northwest Permanente, PC: Multnomah County Circuit Court, State of Oregon. Directed verdict in \$1.8 million dollar wrongful death case alleging medical negligence in prescribing narcotics resulting in accidental overdose.

Klutschkowski v. Oregon Medical Group: Oregon Court of Appeals, 2012. In this landmark medical malpractice case, the Oregon Court of Appeals held that a minor's noneconomic damages were capped at \$500,000 in lawsuits alleging negligent birth trauma. The court reasoned that such claims were not recognized at common law and should be, therefore, subject to damage award limitations imposed by the Oregon State Legislature. In appeal to Oregon Supreme Court, the issue of the cap applying to intra-uterine birth injury was left open, as the court held that the facts in this shoulder dystocia case did not involve an *in utero* injury.

Skaw v. Jayaram: Multnomah County Circuit Court, State of Oregon. Defense verdict in lawsuit alleging severe burns associated with spinal radiofrequency ablation procedure.

EDUCATION

Lewis and Clark College

Northwestern School of Law

J.D., 1994

University of Colorado

B.A., 1991

EXPERIENCE

Hart Wagner LLP

Partner, 2000–present

Associate Attorney, 1996–2000

Nichols & Associates

Associate Attorney, 1995–1996

ADMITTED TO PRACTICE

Oregon State Courts

Washington State Courts

Illinois State Courts (Rule 707)

U.S. District Court: District of Oregon; Eastern District of Washington; Western District of Washington

AWARDS AND RECOGNITION

American Board of Trial Advocates, member

Best Lawyers in America

Medical Malpractice Law — Defendants, 2011 — 2025

Health Care Law, 2020–2025

Litigation — Health Care, 2024, 2025

Strathmore's Who's Who, 2014

Oregon Super Lawyers

Personal Injury Medical Malpractice: Defense, 2006, 2012–2013, 2017–present

PROFESSIONAL ACTIVITIES AND ASSOCIATIONS

Multnomah Bar Association

Oregon State Bar, Health Law Section, Litigation Section, Professional Liability Section

Oregon Association of Defense Counsel

The American Association of Nurse Attorneys

Washington State Bar

Professional Liability Defense Federation

Oregon Society for Healthcare Risk Management (OSHRM)

American Health Lawyers Association, Health Care Liability & Litigation Committee, Health Information Technology Committee

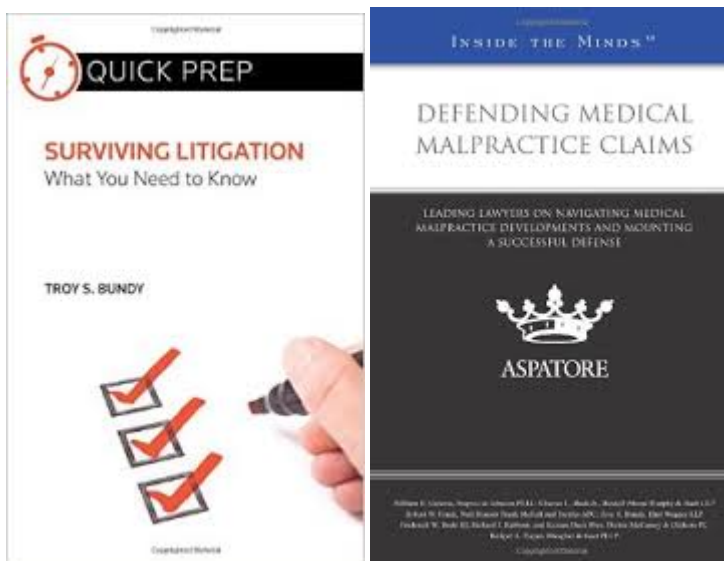
Washington Healthcare Risk Management Society

PROFESSIONAL PUBLICATIONS

“Surviving Litigation: What You Need to Know”, 2014

“Defending Health Care Providers in an Era of Changing Technology and E-Charting,” *Inside the Minds: Defending Medical Malpractice Claims*, 2012

“Sentinel Events’ Reporting: Guarding Privileged Data in Professional Liability Cases,” *The Verdict*, Oregon Association of Defense Counsel magazine, 1999



PRESENTATIONS

- “Recent Appellate Court Rulings and How They Affect You,” Oregon Society for Healthcare Risk Management Annual Conference, 2018
- “Promises and Pitfalls of High Tech Medicine,” The Frances J Storrs, MD, 7th Annual Lectureship, 2015
- “Understanding Malpractice Claims,” Malpractice Primer, 2014
- “Malpractice Traps,” Advanced Litigation Prevention, 2014
- “Litigation in an EHR World: E-discovery,” Practice Roundtable Meeting, 2013
- “E-Charting: Savior or Curse?” HMO Health Litigation Update, 2013
- “Litigation in a Virtual Age,” Legislative and Litigation Update, 2012
- “Understanding the Medical Chart,” Law and Medicine, 2010
- “New Developments in Defending Bad Baby Cases,” OADC Annual Conference, 2001
- “From the Classroom to Clinical Practice,” Resident Annual Training Seminar, 1999
- “Malpractice Pitfalls,” Liability Practicum, 1998
- “HMOs on the Defense: Prescriptions for Accountability,” HMO Liability, 1998

REPRESENTATIVE CLIENTS

- CNA Insurance Companies
- Kaiser Foundation Hospitals
- Kaiser Foundation Health Plan of the Northwest
- Northwest Permanente, PC
- Nurses Service Organization (NSO)
- Physicians Insurance
- Health Professional Service Organization (HPSO)